

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

In the matter of)
)
Closed Captioning and Video) MM Docket No. 95-176
Description of Video Programming)

To: The Commission

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REPLY TO NOTICE OF INQUIRY

The Recording Industry Association of America ("RIAA"), a trade association representing record companies who create, market and distribute over 90% of all legitimate sound recordings and music videos produced in the United States, hereby responds to a "Notice of Inquiry" in the above captioned proceeding.

The RIAA supports the goal of making video programming more accessible to Americans with hearing disabilities. While music videos have not been subject to video description, a great many music videos have been closed captioned. Beginning in 1989, the recording industry has voluntarily been engaged in the closed captioning of music videos on a large scale and continues to expand its catalogue of closed captioned music videos for the enjoyment of those with hearing disabilities. These efforts have

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been undertaken voluntarily and at the expense of individual record companies. While RIAA and our member companies support the continuing efforts to voluntarily close caption music videos, we would respectfully ask the Commission to exempt this particular form of programming from mandatory closed captioning or video description requirements.

Captioning can be undertaken in-house with the purchase of \$20,000 worth of equipment¹, or may be contracted out to third parties such as the Caption Center. In situations where a record company is not undertaking closed captioning itself, the cost is roughly \$275 to \$400 for a short form video² and as the Commission has indicated, \$2,500 for a long-form video of sixty minutes.

As mentioned above, the Captioning Center, a non-profit service of the WGBH Educational Foundation, has been actively involved in the closed captioning of hundreds of music videos. As of this writing, the Center estimates that a total of 750 music videos have received closed captioning during the last year

¹This figure was supplied by one of our member companies.

²Billboard, July 17, 1993, "See Hear: Music for the Eyes".

alone. For the Commissions reference RIAA is attaching as Appendix A, a list of captioned music video prepared by the Center in 1993 (of course the number of captioned titles has been greatly expanded).

While closed captioning is desirable and necessary for much broadcast material and some music videos, closed captioning for this particular medium should continue to remain voluntary. Music videos are a very complex medium, often times their imagery is just as important as their music. And often the lyrics are subordinate to the actual music. In some cases lyrics may be unintelligible, or non-literal. These are some of the kinds of factors which go into decisions as to whether a particular recording comes with a lyric sheet, or whether a particular music video is captioned. For these reasons, closed captioning is not necessarily appropriate, or even possible on some videos. Therefore, RIAA urges the commission to exempt this particular form of programming from any type of mandatory closed captioning or video description requirement.

Respectfully submitted,

RECORDING INDUSTRY ASSOCIATION

OF AMERICA, INC.

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Paul D. Russinoff

Assistant General Counsel

March 15, 1996

APPENDIX A

RECORDING ARTISTS CAPTION THEIR MUSIC VIDEOS WITH THE CAPTION CENTER

A&M RECORDS

- Bryan Adams
- David Baerwald
- The Blue Nile
- Breathe
- Toni Childs
- Michael Damian
- Del Amitri
- Extreme
- Giant
- Gin Blossoms
- Amy Grant
- Groove B Chill
- Gun
- John Hiatt
- Robin Hitchcock
- The Innocence Mission
- Janet Jackson
- Kitchens of Distinction
- Denise Lopez
- Wendy Maharry
- Curtis Mayfield and Ice-T
- Milltown Brothers
- Mint Condition
- Aaron Neville
- Neville Brothers
- One 2 One
- Overweight Pooch
- CeCe Peniston
- R.I.F.
- Simple Minds
- Soundgarden
- Sounds of Blackness
- Soul Asylum
- Sting
- Styx
- Tora Tora
- Trip Shakespeare
- Suzanne Vega
- Vesta

ARISTA RECORDS

- The Jeff Healey Band
- Whitney Houston

ATLANTIC RECORDS
ATCO/EAST WEST RECORDS
• AB Logic

ATLANTIC cont.

- AC/DC
- Akinyele
- A.D.O.R.E.
- A.L.P & The Lost Civilization
- ALT
- An Emotional Fish
- Audio Two
- Bad Company
- Bad 4 Good
- Badlands
- The Baha Men
- Aaron Barker
- Jimmy Barnes
- Bas Noir
- Beggars & Thieves
- Bellamy Brothers
- Bell Tower
- The Beloved
- Chris Bender
- Big Bub
- Bingo Boys
- Black Uhuru With Ice Tea
- Blue Rodeo
- Brand New Heavies
- Lucy Brown
- By X-Change
- Chuckii Booker
- Candyland
- Clanad
- Ashley Cleveland
- Marc Cohn
- Phil Collins
- Colouraus
- Confederate Railroad
- Cool C
- Corina
- Crash Vegas
- Michael Crawford
- The Creeps
- Crosby, Stills & Nash
- Chris Cuevas
- Da Lench Mob
- Dangerous Dane
- DAS EFX
- Da Youngsters
- Def Duo
- Martin Delray
- Bo Diddley, Ben E. King & Doug Lazy
- D-Influence

ATLANTIC cont.

- The O.G.C.
- Double XX Posse
- Lamont Dozier
- Dean Dylan
- Die Warzau
- Electric Boys
- 11th Dream Day
- Enuff Znuff
- En Vogue
- The Escape Club
- Escoffery Sisters
- Everything But The Girl
- The Family Stand
- The Fat Lady Sings
- Five Thirty
- Roberta Flack
- Foreigner
- David Foster
- Four Fun
- Four Non-Blondes
- The Future Sound
- Ann G.
- Craig G.
- Nona Gaye
- Bob Geldof
- Genesis
- Gerardo
- Debbie Gibson
- Greyson & Jasun
- Gregory Grey
- Gowan
- The Hard Core
- Harriett
- Happy Head
- Helen Hoffner
- Helmet
- Inner Circle
- Intro
- INXS
- Chad Jackson
- Mick Jagger
- Jelly Bean
- J.J. Fad
- J.T.
- Sabrina Johnston
- Jomada
- Glenn Jones
- Julian Joseph
- Ray Kennedy
- Joey Kidd
- KiKi
- King Missile
- Kings X

ATLANTIC - cont.

- Kiss
- Kiss Of The Gypsies
- Kx
- K-Solo
- Kwame
- Kyper
- L.A. Posse
- Liz Larin
- Barry Lather
- Gerald Lavert
- The Law
- Tracy Lawrence
- Robin Lee
- Lemonheads
- Julian Lennon
- Linear
- Love On Ice
- Loudness
- L.T. Stichie
- Lynrd Skynrd
- Natural Selection
- Neil McCoy
- Majech & Fashek
- Marcy Brothers
- Marky Mark & The Funky Bunch
- Masta Ace
- MC Lyte
- MC Peaches
- MC Pillsberry and The 4 Large Crew
- MC Thick
- Megadeth
- Men At Large
- Michel'le
- Michie Mee
- Mic Murphy
- Bette Midler
- Mike and the Mechanics
- Miss B. Haven
- Jon Michael Montgomery
- Mr. Big
- Ms. Adventures
- Alannah Myles
- The Nation Funktasia
- Neverland
- Troy Newman
- 9 Inch Nails
- Stevie Nicks
- Noisy Mama
- O.F.T.B.

ATLANTIC - cont.

- Opus III
- Original Flavor
- Outlaw Blood
- Overkill
- Tim Owens
- Pale Divine
- Panterra

- The Pharcyde
- Robert Plant
- Pride & Politix
- Primus
- Proven Innocent
- Psychofunkapufs
- Ratt
- Chris Rea
- Redd Kross
- The Rembrandts
- Nikki Richards
- Chris Rock
- Rodney O/Joe Cooley
- Ce Ce Rogers
- Billy Joe Royal
- Rude Boys
- Rush
- Saigon
- Stone Type Pilots
- St. Paul
- Samuelle
- Savatage
- Shadowking
- Simply Red
- Kym Sims
- Skid Row
- Slaughter
- Slease Beez
- Smart's
- Smoove
- Snow
- Soho
- Sons of Angels
- The Storm
- Street Mobsters
- Sub Dudes
- Donna Summer
- Sweet Sensation
- Tattoo Rodeo
- Tangier
- Testament
- Three Shades Black
- Thrill Kill Kult
- Tin City
- Karen Tobin
- Tone Loc
- Tori Amos

ATLANTIC - cont.

- Tribe After Tribe
- Trilogy
- The Truth, Inc.
- Troop
- Tuff
- 24-7-SPYZ
- 2 House
- 2 Pac
- Donna Ulisse
- Jonny Van Zandt
- Vio-Lence
- The Wendys
- White Lion
- Winger
- Wrathchild America
- XX Posse
- Yomo & Maulkie
- Yo-Yo

CAPITOL RECORDS

- B. Angie B.
- Beastie Boys
- Bemshi
- David Black
- Blind Melon
- Gary Brown
- Cages
- The CaveDogs
- Tisha Campbell
- Charles & Eddie
- Tom Cochrane
- Joe Cocker
- Cocteau Twins
- C.P.O.
- Crowded House
- Duran Duran
- Doobie Brothers
- Richard Elliot
- Joey B. Ellis
- Exodus
- Fetchin Bones
- Rachelle Ferrell
- Full Force
- Great White
- Hammer
- Heart
- The Heights
- Horse
- Freddie Jackson
- King Tee
- Kool Skool
- Dave Koz
- Little Shaun
- Maggie's Dream
- Richard Marx

CAPITOL RECORDS

- con't
- Megadeth
- Mellow Man Ace
- Marc Nelson
- Oaktown's 357
- One Cause One Effect
- Donny Osmond
- Phil Perry
- Poison
- Emanuel Rahiem
- Bonnie Raitt
- School of Fish
- Schooly D
- Bob Seger
- Sky Cries Mary
- Slik Toxik
- The Smithereens
- Special Generation
- Television
- Tina Turner
- Tracie Spencer
- Suave
- Three D
- Richard Thompson
- US3
- The Whispers
- Wildside
- Bebe & Cece Winans
- Young MC
- XYZ

CHARISMA RECORDS

- John Lee Hooker
- Jellyfish
- Nia Peeples
- Something Happens
- 38 Special

COLUMBIA RECORDS

- Aerosmith
- Britny Fox
- Mariah Carey
- C&C Music Factory
- The Front
- Hooters
- Kris Kross
- George Michael
- New Kids On The Block
- The Rolling Stones
- Bruce Springsteen
- Warrant

EMI RECORDS GROUP

- Jesus Jones
- KingOfTheHill
- Second Self
- Stage Dolls
- Vanilla Ice
- Wilson Phillips

ENIGMA ENTERTAINMENT

- Jon Anderson
- Bardeux
- David Cassidy
- Devo
- Mojo Nixon
- Stryper

EPIC RECORDS

- BabyFace
- Bad English
- Blitzspeer
- Bonham
- Cheap Trick
- Alice Cooper
- Divine Styler
- Diving For Pearls
- Gloria Estefan
- Dan Fogelberg
- Front 242
- The Godfathers
- Nicky Holland
- Indigo Girls
- Iron Maiden
- Michael Jackson
- Joan Jett
- Cyndi Lauper
- Living Colour
- Trey Lorenz
- Liza Minnelli
- Nuclear Valdez
- Alexander O'Neal
- O Positive
- Pearl Jam
- Petra
- Rhythm Corps
- Sade
- Shabba Ranks
- Social Distortion
- Suicidal Tendencies
- Luther Vandross
- Vaughan Brothers

HOLLYWOOD RECORDS

- Hi-C's
- The Lifer's
- Queen

**MERCURY
RECORDS**

- Black Sheep
- B.O.X.
- Billy Ray Cyrus
- Def Leppard
- Diamond & The Psychotic Neurotics
- Ed O.G. Da'Bulldogs
- Billy Falcon
- Gutterboy
- Kentucky Headhunters
- Kiss
- Bobby Konders & Massive Sounds
- Lidell Townsell & M.T.F.
- Brian McKnight
- John Mellencamp
- Material Issues
- Richie Sambora
- Michele Shocked
- Shomari
- Small Change
- Sylk Smoov
- Texas
- Third World
- Ugly Kid Joe
- Ultramagnetic M.C.'s
- Vanessa Williams

**POLYGRAM
RECORDS**

- Beats International
- Cathy Dennis
- E
- Emerson, Lake & Palmer
- Melissa Etheridge
- House of Lords
- Lorenzo
- M-Doc
- The Men
- Paleface
- Vanessa Paradis
- Santana
- Ugly Kid Joe
- Zoe

**RCA RECORDS
LABEL**

- Me Phi Me

SIRE RECORDS

- David Byrne

VIRGIN RECORDS

- Paula Abdul
- Neneh Cherry
- Divinyls
- MC Skat Kat & The Stray Mob

**WARNER BROS.
RECORDS**

- B-52's
- Lindsey Buckingham
- Tevin Campbell
- Tia Carrera
- Peter Cetera
- Ingrid Chavez
- Chic
- Eric Clapton
- Jude Cole
- Color Me Badd
- Elvis Costello
- The Cult
- Dire Straits
- Enya
- The Farm
- Corey Hart
- Ice-T
- K.D. Lang
- Madonna
- Prince
- Red Hot Chili Peppers
- Lou Reed
- R.E.M.
- Seal
- Rod Stewart
- Thompson Twins
- Tom Tom Club
- Van Halen
- Dwight Yoakam
- Neil Young
- ZZ Top